

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

LUIS C. RODRIGUEZ NIEVES, et al.

Plaintiffs

v.

EFRAIN LOPEZ, et al.

Defendants

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Civil No. 98-1388(SEC)

Civil Rights

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SAN JUAN, P.R.

JUDGMENT

Plaintiffs filed this action on April 13, 1998 (**Docket #1**). A joint summons for defendants Luis E. Vázquez, Efraín López and Timothy O'Rourke was issued on April 14, 1998. Fed. R. Civ. P. 4(m) prescribes that "[i]f service of the summons and complaint is not made upon a defendant within 120 days of the filing of the complaint, the court, . . . on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant" By November 20, 1998, plaintiffs had yet not effected service. Thus, the Court ordered them to show good cause within ten days why this action should not be dismissed pursuant to Rules 4(m) and 41(b) of the Federal Rules of Civil Procedure. (**Docket # 2**). More than a year has passed since then without plaintiffs having complied with our order. Accordingly, this action is hereby **DISMISSED** without prejudice pursuant to Rules 4(m) and 41(b) of the Federal Rules of Civil Procedure for failure to effect service and failure to prosecute. Judgment is hereby entered accordingly.

SO ORDERED.

In San Juan, Puerto Rico, this 10 day of December, 1999.


SALVADOR E. CASELLAS
United States District Judge

